

Minutes of the September 24, 2010 Regular Council Meeting

Call to Order and Flag Salute at 3:30 pm by Mayor Serio.

Council in Attendance: Weistling, Serio, Carmean, Bunting, Smallwood, Tingle and Langan
Absent: None

Public Safety Building Presentation – Alvin French, Partner in French and Ryan

French and Ryan was engaged by the Town of Fenwick Island to conduct a study on the feasibility of a Public Safety Building. The firm surveyed two locations on Town property: Site 1(a) - adjacent to the present Public Works facility and Site 2 - behind the Town Hall adjoining the Bethany Beach Volunteer Fire Company facility. Finalized cost estimates for both locations will be available in 1-2 weeks. Mr. French presented two displays:

- Site 1(a) proposes lifeguard storage. It is 30'X90' building. Fenwick Island Police would enter the building from Cannon Street. The plan provides five parking spaces thus freeing up parking at the current Town Hall facility. The building plan provides separation from other facilities, is easy to find and proposes a small fence or wall for security purposes. The building will be 3.5' off the ground. Public entrance is through the covered main entryway (handicap accessible); Police located on the first level; interview and processing rooms are on the first level with a separate entry for prisoner intake. There are two inside stairways to the second level; (handicap accessible) an elevator is included in the concept. A lifeguard area will be designated. Restrooms are on both levels. There is a second level meeting room that will hold approximately 110 persons; offices and a conference room will be located here. First floor approximately 2800 Sq ft; second floor approximately 2500 Sq ft. Building features a cupola. Chief Boyden has researched the plan to insure that it meets all Federal and State requirements.
- Site 2 proposes a connection on the north side of the current Fire Department building. It is roughly the same size and would project out into the back parking lot at Town Hall. It would not encroach on the current Public Works facility. Fenwick Island Police will need to enter from the lot behind Town Hall. There is a small separation between the proposed facility and the current Public Works facility. There are some security concerns with the buildings being attached due to access from the Fire Company into the Public Safety Building. This will require an access security system as well as other associated additional work in concert with the Fire Company (e.g. five sleeping stations and a commercial kitchen). The concept includes an elevator to the second floor; restrooms and a shower on the second level. May include a meeting room to accommodate 70 persons. An extra fire escape is needed because of the configuration of the building; an interior exit would reduce the size of the meeting room. Still doing cost estimates but will probably cost more to accomplish and result in less space than Site 1 (a).

Both proposed buildings are 2-storey approximately 5200 square feet and elevated on pilings. The present lifeguard facility will be moved.

DISCUSSION

Mayor Serio advised that the Town Council is leaning toward selection of Site 1(a) as the easier/better of the two options to implement. Addressing the height of the cupola, Mayor Serio noted that this is still in concept stage.

Mr. James Cooper (6 W Indian St) – suggested that the town consider adding a second story to the existing Town Hall rather than use more land for another building. Mayor Serio noted that there had been a previous study and suggested that retrofitting the current building may be difficult.

Regarding the cupola/elevator shaft, Mr. French advised that his firm has reviewed Town Ordinance regarding height and believes that this is allowable. The elevator shaft must reach a certain height and the addition of the “tower” reflects a lighthouse motif. The building cannot be re-oriented as per the current drawing.

Mayor Serio advised that the original concept for Site 2 was the result of talks with the Fire Company. Town Council explored the concept after reviewing the town hall building in South Bethany and determined that a second site (Site 1-a) independent of the Fire Company building might be a viable option. Mr. French added that Site 1(a) considers future needs and allows for growth including the possible addition of two officers to the police force.

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Mayor Serio noted that using the present Town Park for the building is not an option although some activities from the park may be relocated to the new park on West Cannon Street.

The public was invited to ask Mr. French questions. Those who wanted their questions recorded in the minutes were advised to meet with Lynn Massey following the meeting. Mayor Serio thanked Mr. French for his presentation.

President's Report

- Mayor Serio reported there will be a Quarterly Budget Committee meeting in October. The purpose of the meeting is to review the results of the final budget figures for 2009-2010 and the current budget figures.
- Mayor Serio announced that the Town has been chosen for beach replenishment to repair damage from last winter's storms. The project will not begin until early 2011.
- The Annual Audit has been completed and the Town is waiting for the results from Sombar and Company.
- Mayor Serio thanked those who have volunteered for membership in the Town's committees. Appointments will be announced at the next Council meeting and posted in town hall and on line.
- Beginning October 1, trash will be collected on Monday only. Recycling will be picked up the first and third Friday of the month.
- Lifeguards are not on duty. Parking permits are no longer required but you must follow all normal parking rules and regulations.
- Town Manager Abbott has gathered information on sidewalks and hopes to obtain concrete plans from the engineering firm.
- The Town has obtained permission from DNREC to store its lifeguard stands at the State Park.

Topics for Discussion and Possible Action

a. Site Selection for Public Safety Building – Mayor Serio

Motion to move forward with Site 1(a) as the primary site for continued study – Council Member Langan

Second – Council Member Carmean

DISCUSSION

Mayor Serio turned discussion duties over to Council Members Langan and Weistling as they are the two council members most familiar with the project, having been the points of contact throughout the process so far. Council Member Langan advised that the Town has completed a lot of work on the project but there is much more to do. Council Member Weistling advised that Site 1(a) appears to be in the best interest of the Town as it provides more space and does not appear to be as costly as Site 2 especially since a sprinkler system alone for Site 2 was estimated at \$45,000. Other areas would need retrofitting at additional expense. Mayor Serio believes the Council should proceed with its site selection but also should consider obtaining an estimate to add a second floor to the current Town Hall building. Council Member Weistling suggested contacting French and Ryan for this information.

Motion amended to move forward with the next phase (in-depth drawings and costing on Site 1-a) and also look at putting an addition to the top of the present Town Hall Building – Council Member Langan

Second – Council Member Bunting

DISCUSSION

Council Member Carmean advised that she will vote in favor of the motion. She noted that she has continues to have the same concerns regarding safety issues and is in favor of a separate Public Safety Building. The proposal is an uncomplicated solution to the problem. Council Member Tingle advised that she would like to wait on the final cost.

Vote: All in favor (7-0)

Motion to proceed with the next phase for Site 1(a) and also to obtain information on placing an addition to the present Town Hall Building passed.

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Approval of Minutes:

Motion to Approve the Minutes of August 27, 2010 Meeting - Council Member Carmean

Second: Council Member Langan

DISCUSSION

- Mayor Serio advised that she does not believe she stated that the Parks and Recreation Task Force would be composed of 10-12 members. Council Member Tingle advised that it is on the tape recording of the meeting. No change to the minutes.
- Council Member Carmean requested a change to the minutes "Old Business" by striking the sentence: "Mrs. Carmean noted that they will research a policy on outside jobs so that any outside agency should have a mutual aid agreement before hiring a current Fenwick Island Police officer."

Vote: All in favor to approve minutes with the noted corrections (7-0) - Minutes Approved

Treasurer's Report:

Council Member Bunting noted that the financial report is included in the council meeting packet. All investments have been transferred into the new program and appear to be showing good results. The Town receives 1.75% interest on CDs which is better than in the past. Transfer Tax Fund shows \$215,000 received from the State of Delaware (grant for purchase of park land).

Motion to Accept the Treasurer's Report - Council Member Tingle

Second - Council Member Langan

DISCUSSION

Council Member Carmean asked about the CDs interest and a way to track the interest received in order to place it into a fund dedicated to street repairs. Mayor Serio advised that this should be addressed at the Budget Committee meeting.

Council Member Carmean asked if the Town has made progress toward paying its bills on line. Town Manager Abbott advised that it has not been pursued. Mayor Serio suggested waiting until after the results of the audit have been received.

Vote: All in favor (7-0)

Treasurer's Report accepted.

Town Manager Report:

- Town Manager Abbott advised that the Town has received a grant (\$20,000) through the Delaware Energy Office to make the Town Hall building more energy efficient. This included upgrading HVAC services and a hot water heater. Engineer recommendations exceed this amount by \$4800. This will be discussed at the upcoming Budget meeting.
- The Town has been awarded a \$76,810.80 grant through the Delaware Energy Office Energy Efficiency Community Block Grant program for the installation of solar panels on the Public Works facility. The project must go through the bid process before work can begin. Council Member Smallwood asked if this project should be placed on hold until the Public Safety Building project is finalized; Mayor Serio advised that this project will take a while to firm up.
- All authorized staff have received new cell phones. The new plan will save \$2100.

Department Reports:

- Beach Patrol –Tim Ferry reported that the Beach Patrol completed its State contract requirements and did an outstanding job. Council Member Carmean commended the FIBP for its work with the Junior Lifeguard Program competitions. Captain Ferry noted that the competition was well attended and that approximately 30 members participated. Council Member Tingle asked if a cap will be set for participation in the Jr. Lifeguard program. Captain Ferry advised that the Beach Patrol was able to accommodate all who wanted to participate. Council Member Carmean noted that she has photos of five lifeguards affecting rescues that she will forward to Ferry. Captain Ferry advised that there was much activity especially on Bayard Street.
- Building Official – Pat Schuchman noted that her report is included in the council packet.
- Public Works: Mr. Abbott noted that the report is included in the council packet. He commended the department for their work preparing for Hurricane Earl.
- Fenwick Island Police Department: Cpl. Beckage reported for Chief Boyden that there was nothing to add to the report that is included in the meeting packet.

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Committee Reports:

- Beach Committee –No report. Mayor Serio advised that beach cleanup is Saturday, September 25, 2010 and thanked Lynn Andrews in advance for her leadership in this effort. Tim Ferry advised that the Beach Committee will meet in October and begin working on the Fenwick Freeze.
- Environmental Committee –Council Member Carmean advised that there was no meeting in September. Buzz Henifin continues work on the water quality reports and hopes to have the information available on the Town web site. Mayor Serio requested that the committee work with the Center for the Inland Bays to determine a suitable format.

Planning Commission: Did not meet in September

Charter & Ordinance:

- Proposed Second Reading of Chapter 142 – Subdivision of Land – Council Member Weistling

Motion to accept – Council Member Weistling

Second - Council Member Bunting

Council Member Weistling advised that the proposed change affects 142-4 Violations and Penalties replacing **violators shall be subject to a fine of not less than five hundred dollars (\$500.) and not more than two thousand five hundred dollars (\$2,500.)** with **violators shall be subject to a fine of five hundred dollars (\$500.)**.

DISCUSSION – Council Member Weistling noted that this change complies with advice of Town Solicitor to stipulate a definite fine.

Vote to accept the Proposed Second Reading of Chapter 142 – Subdivision of Land: Smallwood-aye; Carmean-aye;

Bunting-aye; Serio – aye; Weistling-aye; Tingle-aye; Langan-aye

Second Reading passed (7-0)

- Proposed Second Reading of Chapter 153 – Vehicles and Traffic – Council Member Weistling

Motion to accept – Council Member Weistling

Second – Council Member Carmean

Council Member Weistling advised that the proposed change replaces the current Chapter 153 – Vehicles and Traffic in its entirety with the proposed change (included at the end of these minutes).

DISCUSSION – Much of the wording remained but changes 153-1 Fine change to \$100; 153-2 unchanged; 153-3; unchanged; 153-4 and 153-5 reversed order so that violations and penalties are last item listed and the fine is consistent.

Vote to accept the Proposed Second Reading of Chapter 153 – Vehicles and Traffic: Smallwood-aye; Carmean-aye;

Bunting-aye; Serio – aye; Weistling-aye; Tingle-aye; Langan-aye

Second Reading passed (7-0)

Old Business:

- Council Member Carmean advised that she and Council Member Smallwood have been working with Chief Boyden regarding the off-duty employment of Fenwick Island Police officers. A report will be ready soon.
- Council Member Weistling addressed portable beach mats used for beach access. He has read a report from the State of Florida on a recent study of the “mobi mats” and also contacted DNREC about their use. DNREC has installed mats in Cape Henlopen State Park . He noted a few concerns:
 - Floating out to sea – can be a concern but they also can be removed if needed. DNREC installed mats at the end of wooden ramps fairly close to the water. They are good for wheelchair access.
 - Maintenance - DNREC noted that the mats can get covered with sand and should be swept periodically during the day. They did remove the mats at the end of the season and found that a front end loader might be needed to remove them since they were heavy under the wet sand. They are made of polyester mesh and remain cool.
 - Cost – 5’x33’ (\$2600) 61 pounds in weight; 5’x50’ @92 pounds; 6’2”x33’ @98 pounds; 6’2”x50’ (\$4800) 140 pounds in weight. Approximately \$97 per linear foot.

Council Member Weistling added that DNREC may install the mats at all state beaches that have public ramps to bathhouses. He has contact information for a company representative should the council wish to pursue the matter. He is uncertain if the mat can withstand vehicles (ATV) riding over it.

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Mayor Serio advised that Rehoboth, Bethany and South Bethany have tried using the mats and that the town should contact them for their experience with the product. Council Member Weistling advised that a combination of widths could be used in order to accommodate wheelchair access and turning. According to an old news article, Bethany Beach purchased 18 mats for \$89,988. Council Member Tingle noted that they are easy to walk on.

DISCUSSION

Peter Frederick (1605 Bunting Ave) – recollected that the Town is responsible for the west side of the dunes and that DNREC is responsible for the east side of the dunes. If that is correct will DNREC allow the use of the mats and participate in the purchase of the mats. Mayor Serio advised that the Town should ask DNREC to allow their use and request that they participate in the purchase. Council Member Weistling noted that the state does not have funding to complete installation on its beaches and most likely does not have available funds for the Town's beach.

New Business – No Action to be Taken: Mayor Serio

Council Member Weistling gave an update on the 2010-11 Street Resurfacing Project. Five bids were received and the project was awarded. Low bid (\$108,452.60), Jerry's Paving, was approximately \$1000 less than the engineer's estimate. Jerry's is the same company who did the last project.

Public Participation:

- Dave Whedon (1710 Bunting Ave) asked if the paving project includes painting/repainting the parking/no parking lines. Council Member Weistling advised that the Public Works Department paints the lines based on the Fenwick Island Police Departments requirements for proper placement. Mr. Whedon stated that people often park too close or in front of his driveway and he is unable to exit safely. Mayor Serio noted that the Town is not repaving Lewes Street at this time.
- John Belian (1 W Houston St) – advised that this year's fishing tournament will be on Saturday, October 9, 2010 from Farmington to Lewes Streets (7AM – 3PM).
- Buzz Henifin (48 Windward Way) – expressed disappointment that the Town web site did not give information on Hurricane Earl as it approached our area. Council Member Bunting advised that the town did not have significant information to share. Mr. Henifin suggested that information should be placed on the electronic sign and on the web site. There is a "storm track" web site that seems to give good information; Mayor Serio noted that it might be possible for the Town to place a link on its web site that will direct visitors to the storm site. Council Member Carmean added that it might be advisable to note on the web site that there is no information available if that is the case.
- Buzz Henifin (48 Windward Way) – asked about the recent "reorganization" council meeting. Mayor Serio advised that the meeting was posted and held in August. Mr. Henifin inquired about the books located in the vestibule; Mayor Serio advised that most of them have been donated to the local AARP Chapter for their book sale this weekend. Mr. Henifin asked about the TV/VCR located at the rear of Villalon Hall. Council Member Langan donated both; Town Manager Abbott advised that it will be used during off-season for Emergency Management training. Mr. Henifin asked the Fenwick Island Police Department census; Mayor Serio advised that the town has 5 full time officers and 3 part-time available on an as-needed basis.
- Mary Pat Kyle (1205 Bunting Ave) – noted that Ocean City (MD) had the best reporting during the recent storm. She added that another wedding was held on Atlantic Street recently. Mayor Serio advised that there is no problem having weddings but that the property cannot be advertized commercially as a wedding/reception house. It is no longer being advertized on the internet.
- Linda Bunting (16 E Dagsboro St) – The Delaware Federation of Garden Clubs is building a Memorial Garden (www.MemorialGarden-Dover.org) to be located on the grounds of Dover Air Force Base. The purpose of the garden is to provide comfort for the families of fallen soldiers. Mrs. Bunting requested that those who are interested in assisting should pick up a pamphlet.
- Dave Whedon (1710 Bunting Ave) - advised that people often parked in his driveway and that police response was slow. He asked if he should call the State Police and Mayor Serio advised that he should contact FIPD or talk with the people who are responsible and request that they move the vehicles.
- James Cooper (6 W Indian St) – does not own a computer and believes that a more public way of notifying citizens of impending weather might be in order.

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- Town Manager Abbott requested that those who spoke following the French and Ryan presentation see Lynn Massey after the meeting with their names and addresses if they want their comments to be included in these minutes.
- Mike Quinn (5 W Houston St) – asked if property owners should retain the blue parking passes that were issued this year. Town Manager Abbott advised that new tags will be issued next year. Mr. Quinn asked what savings are being recognized after contracting out the median landscape work; Mr. Abbott advised that he will provide the figures to Mr. Quinn on Monday, September 27, 2010 if Mr. Quinn will come to the office.

Upcoming Events and Meetings:

Mayor Serio announced all meetings and events.

Motion to Adjourn: Council Member Bunting

Second: Council Member Tingle

All in favor to adjourn (7-0)

Mayor Serio adjourned the meeting at 5:20PM.

The following citizens asked that their comments on the Public Safety Building be included in the record:

- Mike Quinn (5 W Houston St) – asked that his questions for Mr. French be noted as follows: Is Mr. French aware of Town height restrictions in reference to the elevator tower/cupola being proposed; has the firm considers re-orienting the building; can the town utilize the current town park for the building. The responses to these items is noted in Mr. French's presentation and the following discussion items without noting that this was in response to Mr. Quinn's questions.
- Marlene Quinn (5 W Houston St) – asked that her question for Mr. French be noted as follows: Is Mr. French aware of the Town's existing ordinances especially regarding height limitations. The response to this question is noted in Mr. French's presentation and the following discussion items without noting that this was in response to Mrs. Quinn's question.

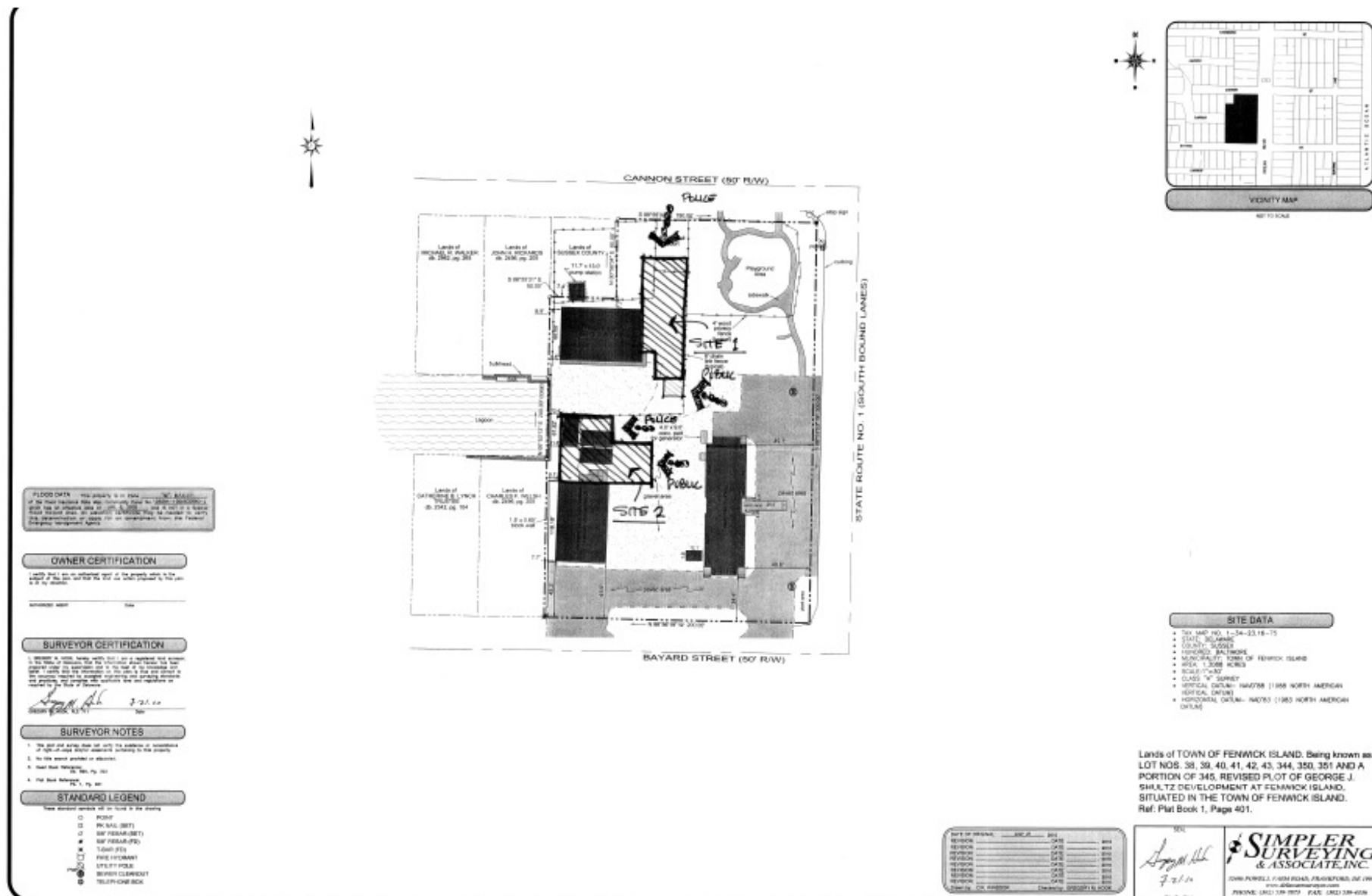
Respectfully submitted,

Agnes DiPietrantonio, Town Clerk

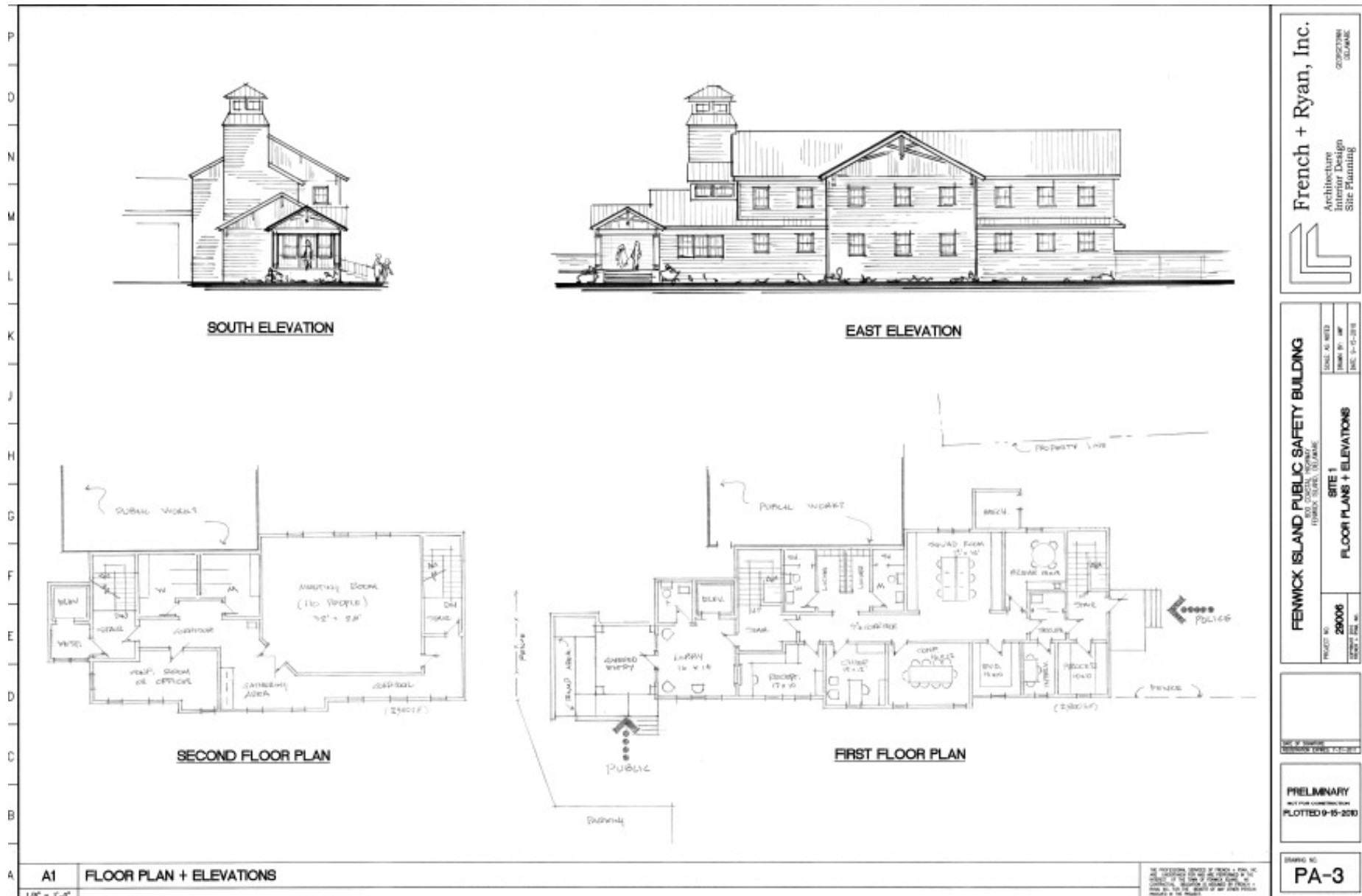
Transcribed from Tape and notes provided by Pat Schuchman and Lynn Massey

For Diane Tingle, Secretary

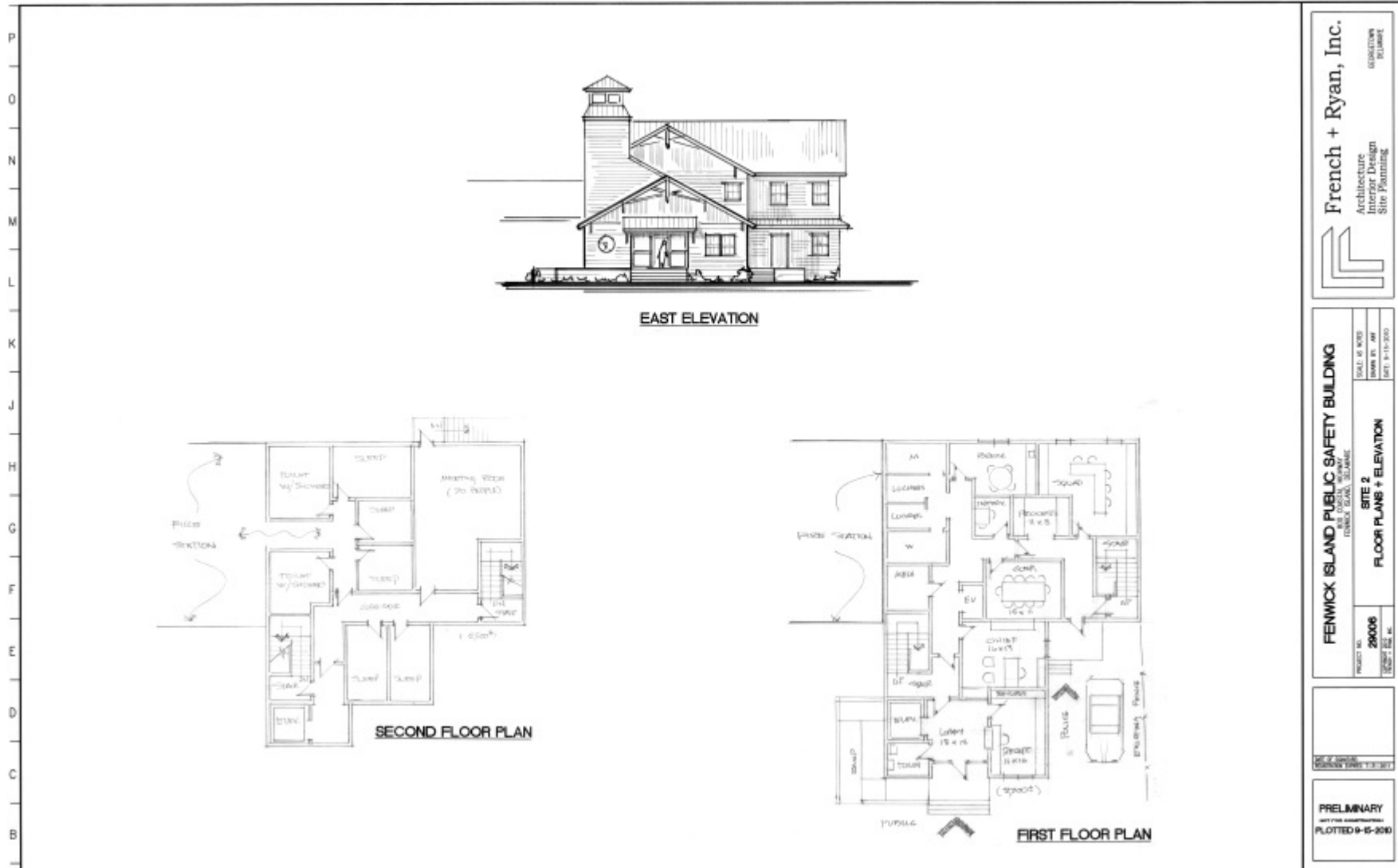
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Approved First Reading – August 27, 2010

Approved Second Reading – September 24, 2010

PASSED – September 24, 2010

Chapter 142, SUBDIVISION OF LAND

EXISTING:

§ 142-4. Violations and penalties.

The commencement of any subdivision or development of land or real property or rearrangement of lots, or the selling of lots in such proposed subdivision or development or rearrangement prior to obtaining the approval of the Town Council of Fenwick Island, Delaware, shall be a violation of this chapter, and violators shall be subject to a fine of not less than five hundred dollars (\$500.) and not more than two thousand five hundred dollars (\$2,500.). Each day that any such violation shall exist shall constitute a separate offense.

PROPOSED:

§ 142-4. Violations and penalties.

The commencement of any subdivision or development of land or real property or rearrangement of lots, or the selling of lots in such proposed subdivision or development or rearrangement prior to obtaining the approval of the Town Council of Fenwick Island, Delaware, shall be a violation of this chapter, and violators shall be subject to a fine of five hundred dollars (\$500.). Each day that any such violation shall exist shall constitute a separate offense.

Posted: September 27, 2010

Approved First Reading – August 27, 2010

Approved Second Reading – September 24, 2010

PASSED – September 24, 2010

Replace In Its Entirety:

Chapter 153, VEHICLES AND TRAFFIC

GENERAL REFERENCES

Parking -- See Ch. 112.

§ 153-1. Authority to establish limits; penalty.

In order to avoid damage to the streets of Fenwick Island, the Town Council is hereby authorized to establish weight limits for vehicles operating upon said streets. Such limits may vary from time to time and from street to street, taking into account the condition of the surface and subsurface of each street and weather conditions and other conditions affecting the ability of the street surface to withstand damage from vehicular traffic. Signs giving notice of such weight limits shall be erected along any street to which such limits are applicable in locations suitable to give reasonable notice of such limits to persons using such streets. Any person who shall, on such a street, operate a vehicle having a weight in excess of the weight limit established for such street pursuant hereto shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined \$100.

§ 153-2. Establishment or change of limit by Council.

When any such limit is established by the Town Council, a majority of the members of the Council present and voting at any regular or special meeting thereof may reduce, increase or cancel any such limit. In the event of such a reduction or increase, appropriate change shall be made in any sign giving notice of the limits applicable to the streets affected by such change.

§ 153-3. Establishment of truck weight limit.

Trucks in excess of 5 tons gross vehicle weight are confined to Route 1 and the Commercial Zone, unless the destination is within the Residential Zone.

§ 153-4. Posting of signs; enforcement.

Traffic signs will be posted in accordance with the intent of this Chapter, and this Chapter will be enforced within three (3) months after enactment.

§ 153-5. Violations and penalties.

The fine for violation of this Chapter is \$100.

Posted: September 27, 2010